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January 6, 1995

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

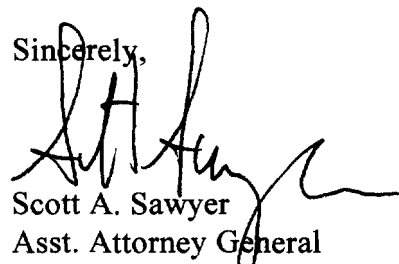
RE: *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102

Dear Commission Secretary:

Enclosed are an original and twelve (12) copies of Comments in the above-mentioned proceeding, filed by this Office on behalf of the Texas Advisory Commission on State Emergency Communications. Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,


Scott A. Sawyer
Asst. Attorney General
State of Texas
Counsel for TX-ACSEC

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Revision of the Commission's
Rules to Ensure Compatibility
with Enhanced 911 Emergency
Calling Systems

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CC Docket No. 94-102

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To: The Commission

COMMENTS OF THE TEXAS ADVISORY COMMISSION ON STATE EMERGENCY
COMMUNICATIONS

NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC), by and through the Office of the
Attorney General of Texas, and submits these COMMENTS in response to the
Commission's First Notice of Proposed Rulemaking (NPRM) in CC Docket No. 94-102,
Released October 19, 1994.

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I.

SUMMARY

1. TX-ACSEC is in general agreement with the stated goals of the Commission in its NPRM. However, TX-ACSEC urges the Commission to maintain flexibility in any rules that are ultimately adopted and to appreciate the roles that the respective parties play in ensuring effective and reliable 9-1-1 emergency calling systems. To be truly effective, a 9-1-1 system must meet the specific needs of the served community, and those needs vary greatly from one area to another. In densely populated areas, with high 9-1-1 traffic, more sophisticated technology might be both necessary and affordable. But in areas with low population density, the same level of technical sophistication might not only be unnecessary to provide the same level of system effectiveness, but might not be affordable. Further, state and local governmental entities with responsibility for providing 9-1-1 in the community, are in the best position to ascertain the level of 9-1-1 service that is needed, the level that can be afforded, and the appropriate time frame and circumstances for implementing fully enhanced 9-1-1 services. Thus, TX-ACSEC respectfully urges the Commission to stress performance standards rather than specific technical solutions in its rules, and to recognize the important public role of state and local authorities in the provision of effective 9-1-1 services.

II.

COMPATIBILITY OF PBX EQUIPMENT WITH 9-1-1 SYSTEMS

2. TX-ACSEC strongly supports the concept that PBX equipment manufactured after the effective date of this rule be required to be compatible with enhanced 9-1-1 systems. However, actual integration of that equipment into a local 9-1-1 system must remain a

cooperative effort between the local 9-1-1 authority, the serving local exchange company (LEC), and the PBX operator. Such matters as the number of 9-1-1 trunks to be connected to a specific PBX location, whether or not the PBX is large enough to be subject to station interconnection with the 9-1-1 system, and how and when the location database is to be updated and maintained must be ascertained at the local level. We urge the Commission to require PBX equipment to be able to interface with current 9-1-1 network technology (e.g. CAMA trunks) in a manner that does not impede future technological development. Care must be taken to ensure that the rules do not lock 9-1-1 into obsolete technology.

A. 9-1-1 Availability

3. TX-ACSEC agrees with the Commission's conclusion that a caller at a PBX station having the capability to reach the public switched network should have the ability to reach emergency services by dialing 9-1-1 without having to dial any additional digits. Thus, TX-ACSEC supports the language proposed in the Adcomm petition for section 68.114 (E) 9-1-1 compatibility with minor changes as follows:

§68.114 (E) 9-1-1 compatibility

Demonstrated compatibility with (E) 9-1-1 shall be required of all registered PBX and dispersed private telephone systems capable of supporting telephone stations that may be used for access to public emergency services. Further, access via 9-1-1 shall not be blocked by call restriction features invoked in the CPE nor shall any additional access be required to reach the (E) 9-1-1 emergency services trunk.

4. TX-ACSEC supports the Commission's proposed rule that any PBX equipment that is manufactured or imported on or after 30 days from the effective date of an order in this proceeding be labeled with emergency dialing instructions on the device and on the

outside of the packaging on which it is marketed. TX-ACSEC further recommends that these labels should be required on all handsets connected to a non-compliant PBX.

B. Attendant Notification

5. TX-ACSEC supports the proposed requirement that PBX equipment be capable of notifying an attendant or other on-premises personnel, if present. Actual use of this feature, however, should be left to the discretion of state and local 9-1-1 authorities.

C. ALI Database Maintenance

6. 9-1-1 authorities should be allowed at least “read only” access to 9-1-1 databases owned by local exchange companies to ensure their accuracy. Many LECs do not allow that access on asserted privacy grounds. Privacy concerns can be greatly mitigated by prohibiting the use of 9-1-1 database information for any purpose not related to the administration and operation of the 9-1-1 system. The Commission’s rules should encourage cooperation among the parties involved in database management, but the Commission should not promulgate specific procedures for accomplishing that coordination. These issues should remain within the scope of state and local authorities.¹

8. TX-ACSEC believes that proposed §68.228(e) is too restrictive, and does not belong with trunk verification procedures. Particularly in residential multi-tenant services (RMTS) environments (where a PBX station is used to serve each apartment in lieu of a local loop)

¹ The Commission should establish minimum guidelines and procedures concerning responsibilities for database management in the context of wireless service in light of the fact that not all states have chosen to regulate cellular service. Any such guidelines should be carefully drafted so they do not conflict with state statutes. As with LEC owned 9-1-1 databases, 9-1-1 authorities must have at least “read only” access to a cellular company’s 9-1-1 database in order to ensure they remain accurate.

there is normally a high rate of turnover. Invoking the full trunk verification procedure every time there is a change in the database would prove very burdensome. Currently, all that is necessary to be received directly from the PBX is a readable SNI (usually standard ANI coding), and that SNI is then used to access the database. Once it is proved that a PBX is capable of providing that SNI through the connected 9-1-1 trunk, there should be no need for further formal verification just because one tenant moves out and another moves in.

D. Station Number Identification (SNI)

9. TX-ACSEC agrees with the Commission's conclusion that, at a minimum, a caller's telephone number, caller location identification, and a call-back number must be transmitted from the PBX or other dispersed private telephone system. TX-ACSEC does not support the concept of alternative numbers ("artificial SNI").

E. Information Protocol Standard

10. TX-ACSEC strongly urges the Commission to adopt the NENA standards for information protocol as a nationwide standard for information contained in, and transmitted from, the ALI database. They have been carefully developed and tested over a period of several years. However, these standards should not be confused with network interface standards for the SNI generated in, and transmitted from, the PBX.

F. Network Interface Standards

11. If this refers to transmission of database updates, as the NPRM discussion implies, then this is best left as a local issue. Most, if not all, PBX locations will have available a personal computer (PC) with a modem that can transmit database information, and there is third-party software widely available to provide the required security and data

integrity verification. However, there is a need for consistent network interface standards for the SNI provided from the PBX, and for interconnection with 9-1-1 trunks. These rules must provide leeway for evolutionary technological improvements to 9-1-1 network methodology.

G. Local Exchange Company Services

12. In Texas there is a long history of cooperation and teamwork with the local exchange carriers in the provision of 9-1-1 services. However, provision of 9-1-1 trunks from every PBX will place some special burdens on the 9-1-1 network. If each 9-1-1 trunk terminates directly at a PSAP, extra positions not justified by 9-1-1 traffic would be necessary. Thus, a LEC needs to provide serving central offices with the capability of concentrating 9-1-1 trunks. Also, the additional burden on the location database magnifies the problems of database accuracy. Local 9-1-1 authorities need the ability to verify data in the LEC database.

H. Implementation Schedule

13. TX-ACSEC supports the implementation schedule proposed by the Commission. This schedule, however, should pertain only to requirements for equipment manufactured after the effective date of an order in this proceeding, and not apply to existing PBX configurations that comply with state statutes that already require interconnection of PBX equipment with the 9-1-1 system. The Texas Legislature has enacted statutes requiring multi-line telephone system service providers providing service to residential customers to interconnect with local 9-1-1 networks. The statutes were enacted in response to large-scale conversion of large apartment complexes from individual local loops to each apartment to

stations behind a PBX. Without this legislation, apartment tenants who have had fully enhanced 9-1-1 for years would suddenly be deprived of all enhanced 9-1-1 features. Interconnection of these PBXs is being successfully accomplished now with third-party interface electronics.

III.

COMPATIBILITY OF WIRELESS SERVICES WITH ENHANCED 9-1-1

14. TX-ACSEC strongly supports the Commission's general approach for ensuring compatibility of wireless services with enhanced 9-1-1. Mobile radio transmitters supplied to wireless customers must provide at least the same level of access to 9-1-1 emergency services as is available to wireline customers. Because of the lack of a fixed location, there is a need for additional features. The performance standards for ensuring compatibility with enhanced 9-1-1 systems should only apply to those existing or future commercial mobile radio services (CMRS) offering access to real-time voice, or voice equivalent (text telephone or TTY) communications. The Commission should not restrict providers of non-voice services from providing 9-1-1 access, but provision of 9-1-1 access should be left to free market pressures and local restrictions. If non-voice services are allowed to provide 9-1-1 access, they should be required to meet the same compatibility requirements as are adopted for CMRS.

15. In considering the costs and benefits of 9-1-1 compatibility requirements for all CMRS providing real-time voice, manufacturers should carefully consider that many new and potential customers for mobile services will be basing their buying decisions on the perceived utility of mobile telephones in aiding personal safety. Many persons who have

not bought cellular phones for business purposes are likely to buy them for use in their automobiles if they perceive them to be life-saving devices like air-bags and seatbelts.

16. The capability of a private mobile radio service to be interconnected to the public switched network should be the key to determining whether it is subject to the performance standards promulgated by the Commission. If it can be interconnected, then it should meet the requirements. Or, looked at from the opposite perspective, if a private mobile radio service cannot meet the 9-1-1 compatibility requirements, it must not be allowed to connect to the public switched network.

A. 9-1-1 Availability

17. TX-ACSEC agrees with the Commission's proposal that a user must have the ability to reach emergency services from any service initialized mobile radio handset in a home service area or a subscribed-to roamed service area by dialing only the digits 9-1-1. For new or developing services we urge the Commission to consider 9-1-1 access to be a necessary requirement for obtaining an FCC license for the service or system.

B. Grade of Service

18. A caller reasonably expects the same grade of service in placing an emergency call from a mobile transmitter that is expected from a wireline phone. Thus, a P. 01 grade of service should be required for the mobile radio network portion of the call. However, as is pointed out in both the NPRM and in the Joint Paper, it might not be possible, depending on the network configuration to expect that as the end-to-end grade of service.

C. 9-1-1 Call Priority

19. TX-ACSEC agrees with the Commission's proposal that within one year after the order adopting rules in this proceeding, originating 9-1-1 calls from CMRS must be assigned priority over non-emergency service calls.

D. User Location Information

20. The most important issue that differentiates wireless from wireline enhanced 9-1-1 is the fact that in a mobile radio network the caller can be situated anywhere in the network's service area. TX-ACSEC urges the Commission to require that both new and existing wireless services provide the caller's location as part of the enhanced 9-1-1 information. Industry should have the flexibility to use whatever methods prove to have the best combination of accuracy and cost effectiveness. The information format must be standardized to meet the needs of the PSAPs.

21. TX-ACSEC supports the phased-in timelines proposed by the Commission for location accuracy. However, TX-ACSEC believes that the 125 meter 3-dimensional radius is too broad to be of significant usefulness in a multi-story building environment. A ten meter radius would be a better goal, in that it would narrow the location to within three floors in a building.

E. Re-ring/Call Back

22. Re-ring/call back is an extremely vital feature of enhanced 9-1-1 that must be required for wireless service. TX-ACSEC supports the Commission's proposed rule and time line for this feature.

F. Common Channel Signaling

23. Common channel signaling will play a prominent role in the evolution of wireline enhanced 9-1-1 from the technology in use today. Its use must be included for wireless services to be fully compatible with future 9-1-1 technology. All of the information noted in the NPRM and the Joint Paper should be included in the performance criterion. TX-ACSEC supports the Commission's proposed rule and timetable for common channel signaling.

24. 9-1-1 has always depended on the inherent reliability of the public switched telephone network, and it is not economically feasible to require absolute immunity to outages. The reliability problems of SS7 in its early stages should not be used as an excuse to block its use in the development of future 9-1-1 technology. However, TX-ACSEC recognizes the need for development of consistent standards related to that use.

G. Access to Text Telephone Devices (TTY)

25. TX-ACSEC supports the Commission's proposal that within one year of the order radio services must be capable of 9-1-1 access by means of TTY-type devices. Radio services must be required to comply with the ADA.

H. Equipment Manufacture, Importation, and Labeling

26. TX-ACSEC believes the Commission should take great care to ensure its rules do not stifle incentive for innovative advances in 9-1-1 technology, and do not result in burdensome additional costs to the 9-1-1 community and to the public at large. Thus, we believe the Commission should promulgate functional and performance requirements rather than specific technical solutions. The industry should have maximum flexibility to design

cost effective systems that meet established performance standards and the functional needs of the 9-1-1 community.

27. TX-ACSEC supports the Commission's proposed rule and timetable for labeling of non compliant equipment. The Commission should to go one step further by extending the requirement to provide labels for equipment already in the hands of the consumer.

IV. ADDITIONAL CONSIDERATIONS

A. Privacy

28. In addition to the privacy issue discussed in paragraph six of these comments, some parties have claimed that caller information displayed at a PSAP could be considered confidential information and could be made available to unauthorized persons. TX-ACSEC's position is that it is reasonable to assume that a caller who dials 9-1-1 gives up his right to privacy when the call is initiated. TX-ACSEC believes the Commission should require that the equipment should be capable of providing all pertinent information, with the decision as to what information is displayed at the PSAP left to local authorities.

B. Compatibility with Network Services

29. TX-ACSEC believes that the best way to ensure compatibility with network services is for the Commission to make 9-1-1 compatibility a prime consideration in every applicable proceeding. The current proceeding represents an opportunity for a solid beginning of that policy. While the Commission has an opportunity to remove significant roadblocks to the implementation of full nationwide 9-1-1 coverage, the specific mode and

scope of that coverage is best left to state and local authorities that have responsibility for planning, funding, and administering the 9-1-1 systems.

C. Preemption

30. The Commission has authority to preempt State regulation that affects interstate service when it is not possible to separate the interstate and intrastate components of the services, or when state regulation thwarts or impedes a federal policy. *Louisiana Public Service Commission v. FCC*, 476 U.S. 355, 375 n.4 (1986). The establishment of performance standards for PBX equipment and wireless services in order to ensure their compatibility with enhanced 9-1-1 emergency calling systems is a valid federal policy, and is therefore within the Commission's jurisdiction. However 9-1-1 emergency service is a local service. State and local government entities, which have the responsibility for providing 9-1-1 in the community, are in the best position to ascertain the level of 9-1-1 service that is needed, the level that can be afforded, and the appropriate time frame and circumstances for implementing fully enhanced 9-1-1 services. TX-ACSEC's experience in Texas is that the better antidote for the threat of federal preemption is a relationship of continual open dialogue between TX-ACSEC staff and Commission staff

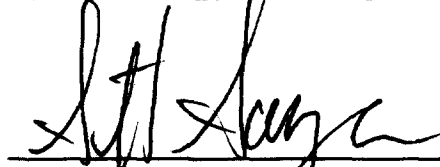
Respectfully submitted,

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